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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
ORACLE AMERICA, INC., a Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
SETH RAVIN, an individual,

Defendants.

Case No 2:10-cv-0106-LRH-PAL

**DECLARATION OF GARY MILLER
IN SUPPORT OF THE PARTIES'
JOINT CASE MANAGEMENT
CONFERENCE STATEMENT**

1 I, Gary Miller, declare as follows:

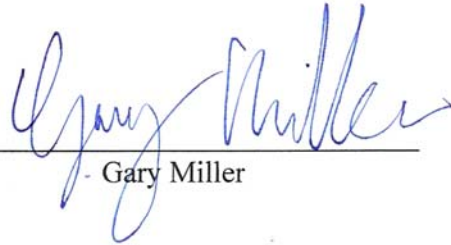
2 1. I am an employee of Oracle Customer Support Services, in the position of Senior
3 Vice President Global Operations, a position I have held for seven years. I have personal
4 knowledge of the matters stated in this declaration by virtue of my employment by Oracle
5 Customer Support Services. If called and sworn as a witness, I could and would competently
6 testify as to such matters.

7 2. I am informed that Defendant Rimini Street, Inc. ("Rimini") seeks an Oracle
8 witness to testify about, or Oracle to provide a written description of, "[f]or Oracle support
9 customers lost to any third party competitor, independent consultant, or self support since 2004,
10 the percentage of customers which return to Oracle, how long on average it takes for those
11 customers to return to Oracle, the average amount of fees (including any back fees, reinstatement
12 fees, or penalty fees) that are collected when these customers return." Oracle has not
13 historically, systematically tracked this information. To compile this data, Oracle personnel first
14 would have to independently research seven years' worth of data about Oracle Support
15 customers to attempt to determine which customers left Oracle Support for a third-party
16 competitor, independent consultant, or self-support. Customers often do not inform Oracle of the
17 alternative they plan to adopt to replace Oracle Support; even those that do inform Oracle may
18 well change their plans later, without Oracle's knowledge. Therefore, I do not believe Oracle
19 could fully determine which customers left Oracle Support for third-party support, an
20 independent consultant, or self-support. Oracle personnel would then have to check this likely
21 inaccurate list against seven years' worth of data to attempt to determine whether any listed
22 customers returned to Oracle Support. This would be extremely difficult because many
23 customers that leave Oracle Support for one product line, for example PeopleSoft HRMS, remain
24 on Oracle Support for other product lines, for example Oracle Database. Therefore, I do not
25 believe Oracle could accurately determine which customers that left Oracle Support for one
26 product line later returned to Oracle Support for that same product line. Any percentage
27 calculated from that data would necessarily be suspect. Oracle personnel would then have to

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1 separately research the fees charged to those returning customers, another time-consuming
2 process dependent on historic records including tens of thousands of emails. I estimate it would
3 take 4 people 160 hours each to perform the full analysis requested by Rimini, and as stated, I do
4 not believe the result would be accurate.

5 3. I declare under penalty of perjury under the laws of the United States that the
6 matters contained in this Declaration are true and correct, and that this Declaration was executed
7 in Los Altos on January 5th, 2012.
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11 _____ Gary Miller
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